

AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States of America

v.

Emily ORTIZ

Henry Anthony MOREIRA

Case No.

*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of May 03, 2023 in the county of Webb in the  
Southern District of Texas, the defendant(s) violated:

*Code Section*

8 USC 1324

*Offense Description*

Knowing and in reckless disregard of the fact that an alien had come to, entered, and remained in the United States in violation of law, did transport and move and attempted to transport and move and conspired to transport and move such alien within the United States by means of transportation and otherwise in furtherance of such violation of law.

This criminal complaint is based on these facts:

Continued on Affidavit

☒ Continued on the attached sheet./S/Alex Torres*Complainant's signature*Alex TorresBorder Patrol Agent*Printed name and title*

Sworn to before me and signed in my presence,

Date: May 05, 2023*Judge's signature*City and state: Laredo, TexasChristopher dos Santos, U.S. Magistrate Judge*Printed name and title*

AFFIDAVIT

In support of Criminal Complaint

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

V.

Emily ORTIZ, Henry Anthony MOREIRA

Case Number:

On May 3, 2023, at approximately 7:43 p.m., a Border Patrol Agent (BPA) was working his assigned duties at the Border Patrol checkpoint located at the 29-mile marker on Interstate Highway 35 (IH-35) near Laredo, Texas (TX), in Webb County when a white Cadillac with four visible occupants approached the primary inspection lane.

The BPA observed the driver, Emily ORTIZ, staring motionless at the front seat passenger, Henry Anthony MOREIRA. The BPA asked ORTIZ if she was a United States citizen (USC), and she replied nervously, "Yes." The BPA asked MOREIRA if he was a USC, and he replied, "Yes," and nodded his head. The BPA asked ORTIZ if she could lower the rear passenger window to question the rear occupants. ORTIZ hesitated and displayed nervous behavior by delaying the lowering of the rear passenger window until she finally lowered the window halfway.

The BPA observed the rear passengers avoid eye contact as he began questioning them. The BPA asked the left rear passenger in English, Israel CASTRO-Castro, if he was a USC, and CASTRO moved his head in an up-and-down motion but did not say any words. The BPA asked the right rear passenger in English where he was born, and he moved his head in an up-and-down motion. The BPA asked the right rear passenger where he was born again, and he continued moving his head up and down. The BPA observed the right rear passenger look towards ORTIZ and MOREIRA as if he wanted them to answer the question. The BPA asked CASTRO if he was in the United States (U.S.) illegally in Spanish, and he responded, "Yes." An immigration inspection was performed on the right rear passenger, and he freely admitted to being illegally present in the U.S. At this time, all occupants of the Cadillac were placed under arrest and escorted inside the checkpoint for further investigation.

PRINCIPAL STATEMENT: Emily ORTIZ was read her Miranda Rights and acknowledged she understood them by signing Service Form I-214. ORTIZ invoked her right to remain silent and declined to provide a statement without a lawyer present.

PRINCIPAL STATEMENT: Henry Anthony MOREIRA was read his Miranda Rights and acknowledged he understood them by signing Service form I-214. MOREIRA invoked his right to remain silent and declined to provide a statement without a lawyer present.

MATERIAL WITNESS STATEMENT: Israel CASTRO-Castro, a Guatemalan national, admitted being in the U.S. illegally and is serving as a material witness in the case against ORTIZ and MOREIRA. CASTRO stated a family member made the financial arrangements to be smuggled and transported into the United States and paid \$18,000 U.S. dollars. His final destination was Houston, TX. CASTRO stated he entered the U.S. illegally on April 30, 2023, with four other subjects. CASTRO indicated they were picked up by a black sedan and taken to a hotel near Laredo, TX. Once at the hotel, they entered a room on the 2nd floor. CASTRO stated that the same unknown male that picked them up from the river had arrived at the hotel and told them they were leaving at 4:00 p.m. CASTRO said they were taken to a big parking lot near Laredo, TX, where a white sedan was awaiting. CASTRO stated that the unknown male instructed them to enter the white car. CASTRO indicated that once inside the white sedan, he observed MOREIRA in the driver seat and ORTIZ in the front passenger seat. CASTRO stated that MOREIRA and ORTIZ did not say anything when they entered the vehicle. CASTRO said they drove out of the parking lot and began driving for about 15 to 20 minutes until they stopped at a gas station. CASTRO stated ORTIZ kept insisting to MOREIRA that she would drive instead of him, and they switched positions. CASTRO stated once they made the switch, ORTIZ got into the driver seat and began driving towards the checkpoint without making any other stops. CASTRO was presented with two different six-person photo lineups and positively identified ORTIZ as the driver and MOREIRA as the passenger.

SUBSCRIBED and SWORN to before me on

5th

day of

May, 2023

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Signature of Judicial Officer

/S/ Torres, Alex Border Patrol Agent

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Signature of Complainant